US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200575121
Date: March 18, 2005
Comments Due: April 18, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to impact up to 9 acres of waters of the United States in and adjacent to the Uncompahgre River to continue alluvial gravel mining at the ZMK Gravel Pit. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: ZMK Mine Construction, Incorporated
Mr. Richard G. Zanett, President
Post Office Box 91
Ouray, Colorado 81427
970-325-0459

AGENT: Mr. Robert A. Larson
Monadnock Mineral Services
P.O. Box 85
Ouray, Colorado 81427
970-325-4600

LOCATION: The project site is located on the Uncompahgre River approximately five miles north (downstream) of the City of Ouray within the NW 1/4 SW 1/4 of Section 2, Township 44 North, Range 8 West, Ouray County, Colorado, and can be seen on the USGS Ouray Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant proposes to maintain an alluvial dike containing approximately 650 cubic yards of dredged material and approximately 2,000 cubic yards of rock riprap previously placed as authorized by Department of the Army permits 199200135 and 199975153. The east channel is the dominant channel at this location. To facilitate gravel mining, the applicant proposes to continue to remove and replace up to 20 cubic yards of the dike (located on the west side of the river) during spring runoff. This allows partial entry of the river to the mine site to facilitate the accretion of alluvium material within the existing gravel mine site. The berm breach is then replaced and excavation activities are performed outside of the active channel flows.

This site has been mined annually since permit issuance in 1992. The following tabulates the tonnage and volume of material extracted from the ZMK operation for the last 10 years:

YEAR	Tonnage	Volume (cubic yards)
2004	4,500	3,000
2003	6,000	4,000
2002	7,200	4,800
2001	7,050	4,700
2000	9,450	6,300
1999	9,300	6,200
1998	7,650	5,100
1997	33,900	22,600
1996	9,600	6,400
1995	29,475	19,650

Based on the available information, the overall project purpose is to continue annual mining of alluvium from the Uncompahgre River. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The proposed project site is located on the Uncompahgre River, east of County Road 23 and just north of Idlewild Subdivision. This approximately 9-acre site has been mined since 1992 (reference Corps permits 199200135 and 199975153). The permit area is an aggrading reach of the Uncompahgre River where the river transitions from the steep upland topography to a relatively flat floodplain valley. The grade of the river channel immediately upstream of Ouray is approximately 6.4%, but at this site is only 1%. At this site, the river is at an elevation of 7,200 feet msl and drains a basin of approximately 140 miles. The USGS stream gage located downstream at Ridgway indicates an average annual bankfull discharge of approximately 900 cubic feet per second (cfs). The high flow of record, based on 40 years of gage data, occurred on June 24, 1983, measuring 2,100 cfs.

The active floodplain is wide, sparsely vegetated, and contains several high water channels. The location and configuration of the interconnecting channels are often altered by the seasonal deposition of excess bedload comprised of sand, gravel, and cobbles. Such materials have low cohesion and are easily eroded. Thus, the lateral stability of the channel is quite low within the boundaries of the active floodplain. In its natural state, this reach of the Uncompahgre River is braided and relatively straight and sensitive to disturbances.

Prior to ZMK mining at this site, the natural channel had been heavily modified. In the 1950s, flood protection dikes were constructed by Ouray County by pushing alluvial material from the channel to form dikes along the sides of the channel banks. The dikes constrict flood flows to the channel and deny the river access to some of the floodplain areas. This includes the protection of County Road 23 (to the west) and adjoining properties. The surrounding land use consists of agricultural grazing and livestock forage production and rural residential development.

This site is located within a heavily accreted riparian corridor that is void of vegetation due to past mining activities. The vegetative overstory of the areas adjacent to the project site is comprised of ponderosa pine and narrowleaf cottonwood on the west and east banks, respectively. There is a sparse understory of willow existing along the east bank with the herbaceous layer largely missing due to past flood events and the lack of finer material to support herbaceous seed germination. The site is limited to product extraction. Material is screened and stockpiled, but no crushing operations are present. Depth of the

excavation area is limited to 10 feet and occurs outside the active channel. The mining method utilized at this site, and described above, allows the pit area to recharge with course sediment and ensures a renewable resource while minimizing impacts to the main channel. The Ouray County Special Use permit limits the volume of mining to 45,000 cubic yards per year (approximately 67,500 tons) within the limits of the Colorado Division of Minerals and Geology's minimum impact permit which allows a maximum of 70,000 tons per year. Three groundwater monitoring wells are located on the property and are evaluated each month to assure that the groundwater is greater than 2 feet below mining activities. In addition, two domestic wells (one on the Webb property to the south and one next to the ZMK maintenance building) are also monitored monthly to determine the depth to groundwater at those locations. Several groundwater samples have been taken from the Webb well to assure the continued safe use of the groundwater in this area.

Alternatives. The applicant has provided information concerning project alternatives. Originally, the applicant obtained permits (from the Corps and the Colorado Division of Minerals and Geology) to place a drop structure in the Uncompahgre River to prevent any potential head-cutting. In addition, the plan was to mine one side of the river, divert the river into the mined area and then mine the other side, alternating as needed to extract materials each year. After the first year or two of mining, it was found that the river replenished gravel into the excavated area during high-water in the spring if allowed to flow into the workings. Initially this happened by the natural purging of the existing dike and no headcutting was observed in the river channel. Technical revisions were requested and granted to allow this method of mining to continue. If the dike does not break on its own, a small excavation will allow the river to move into the mined area and can be replaced with minimal work once the river recedes. The applicant maintains that this system has worked adequately for the last 10 years and provides a resource that can be utilized with minimal impact to the river system. Additional information concerning project alternatives may be available from the applicant or their agent.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Colorado Department of Public Health and Environment is required for this project. The applicant has indicated they have applied for certification.

Additionally, the applicant holds a Mined Land Reclamation Limited Impact Permit (M-91-146) from the Colorado Division of Minerals and Geology and a special use permit from Ouray County.

HISTORIC PROPERTIES: Based on the available information, cultural resources are not anticipated within the project's area of potential effect which has been previously disturbed.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200575121, must be submitted to the office listed below on or before April 18, 2005:

Susan Bachini Nall, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Susan.Nall@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager, Susan Bachini Nall, at email address Susan.Nall@usace.army.mil, or telephone 970-243-1199, extension 16.

Attachments: 7